



INDIANA STATE BOARD OF EDUCATION

BEFORE THE INDIANA STATE BOARD OF EDUCATION

In Re the Matter of:)	Cause No. SBOE-06-092022
)	
K.R.,)	
)	
Petitioner,)	
)	
v.)	
)	
Monroe County Community)	
School Corporation,)	
)	
Respondent.)	
_____)	

FINAL ORDER

This matter comes before the State Board of Education (“Board”) on Petitioner’s timely written application for a hearing under Indiana Code § 20-26-11-15. A Hearing Examiner was assigned to the matter, and a hearing was held. On December 14, 2022, the Hearing Examiner issued their Findings of Fact, Conclusions of Law, and Proposed Determination (“Proposed Determination”). The Parties were given an opportunity to object to the Proposed Determination, which Petitioner did by timely filing objections on December 30, 2022. Having (1) reviewed the Proposed Determination, record, and Petitioner’s objections to the Proposed Determination; and (2) held a hearing in front of the State Board of Education (“Board”), the Board now finds, concludes, and orders as follows.

FINDINGS OF FACT

1. Petitioner, K.R., is currently a freshman enrolled in and attending high school in Richland-Bean Blossom Community School Corporation (“Richland-Bean Blossom”). K.R. has two younger siblings that are enrolled in and attending school in Monroe County Community School Corporation (“Monroe County”). All three students – K.R. and her two younger siblings – currently reside in Richland-Bean Blossom’s attendance area and, therefore, have legal settlement in Richland-Bean Blossom.

2. Respondent, Monroe County, is a community school corporation organized under and subject to Indiana law. Since at least 2013, Monroe County has operated as an “open-enrollment”



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school corporation. That is, Monroe County’s governing body has adopted a policy of accepting the transfer of students who do not have legal settlement within Monroe County’s attendance area, or what are often referred to as “out-of-district transfers.”

3. During the 2020-2021 and 2021-2022 school years, K.R. and her siblings were enrolled in and attended schools in Monroe County. At the time of enrollment, K.R. and her siblings had legal settlement in Monroe County.

4. At some point during the 2021-2022 school year, K.R. and her family moved from a residence located within Monroe County’s attendance area to a residence located within Richland-Bean Blossom’s attendance area. Despite no longer having legal settlement in Monroe County, K.R. remained enrolled in Monroe County for the duration of the 2021-2022 school year.

5. In February 2022, when it came time to enroll her kids in school for the 2022-2023 school year, K.R.’s mother enrolled all three children – K.R. and her two younger siblings – in Monroe County via Monroe County’s K-12 online registration portal.

6. On February 10, 2022, K.R.’s mother received an email from Monroe County confirming that “K.R. has been successfully registered for the 2022-2023 School Year.” The email also indicated that all state and Monroe County forms required for registration, including attachments, had been submitted.

7. After receiving confirmation that K.R. had been successfully registered to attend classes in Monroe County during the 2022-2023 school year, K.R. received a locker assignment for the 2022-2023 school year, was enrolled in classes at Bloomington High School North, received her class schedule, and was notified by Monroe County that her application for free or reduced-price meals and textbook assistance had been approved for the 2022-2023 school year.

8. At some point in mid-July, K.R.’s mother contacted Monroe County via email regarding an Ex Parte Order for Protection (“EOP”) that had been issued in April – K.R.’s mother wanted to confirm the individual named in the EOP was not in any of K.R.’s classes.¹

9. On or about July 26, 2022, one week before the start of the 2022-2023 school year and approximately 5 months after Monroe County notified K.R.’s mother that K.R. had been successfully registered for the upcoming school year, Monroe County asked K.R.’s mother to fill

¹ The EOP was issued at the request of K.R.’s mother after K.R. was the victim of an altercation that took place at school. The student named in the EOP was ultimately expelled by Monroe County.



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out and resubmit another “Out of District Student Transfer Request Form” for K.R.² K.R.’s mother returned the completed form via email later that same day.

10. On or about July 27, 2022, a day after resubmitting the requested “Out of District Student Transfer Request Form” for K.R., K.R.’s mother received an email from Monroe County informing her that K.R.’s request to transfer into Monroe County for the 2022-2023 school year had been denied.

11. After being told by Monroe County that K.R. “does not have a right to attend MCCSC,” and that dropping off K.R. at Bloomington High School North would constitute “abandoning a minor,” an act that would obligate Bloomington High School North staff to “immediately notify the Indiana Department of Child Services’ Child Protective Services division,” K.R.’s mother took the steps necessary to initiate this appeal.

CONCLUSIONS OF LAW

12. Indiana Code § 20-26-11, *et seq.*, governs students’ legal settlement, the transfer of students, including students’ right to transfer and their right to attend school in any school corporation, and transfer tuition.

13. Under Ind. Code § 20-26-11, students are able to initiate a transfer under any one of a number of provisions, each of which is separate and distinct from the others and comes with its own requirements – both in terms of student eligibility and procedures that must be followed. *See* Ind. Code § 20-26-11-5 (“Section 5”), which applies to students seeking a transfer at the request of their parents because the student may be better accommodated in the transferee corporation; Ind. Code § 20-26-11-6.5, which applies to students of school corporation employees who have legal settlement elsewhere; Ind. Code § 20-26-11-6.7, which addresses the transfer of certain students who attended a state accredited nonpublic elementary school; Ind. Code § 20-26-11-7, which addresses the transfer of students with certain disabilities; Ind. Code § 20-26-11-30, which applies to students seeking to attend school in a school corporation where they had legal settlement for at least two consecutive school years prior to moving to an adjacent school corporation; and Ind. Code § 20-26-11-32 (“Section 32”), which applies to students seeking to transfer into a school corporation that has adopted a policy of accepting the transfer of students who do not have legal settlement within the school corporation. If a particular provision doesn’t apply to a student’s given situation, the student is free to choose a provision that does.

² K.R.’s mother was not asked to resubmit an “Out of District Transfer Request Form” for either of her other children.



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14. In finding for Respondent, the Hearing Examiner focused on the procedural requirements set forth in Section 5. In particular, the Hearing Examiner found that K.R.’s mother never submitted K.R.’s transfer request to Richland-Bean Blossom as required by statute and Board rule.

15. In this instance; however, it is Section 32, not Section 5, that controls, as Monroe County is an “open-enrollment” school corporation. Whereas Section 5 applies only to students seeking a transfer because they may be better accommodated in a transferee corporation, Section 32 is generally applicable in that it applies to all school corporations unless the corporation’s “governing body has adopted a policy of *not accepting* the transfer of any student who does not have legal settlement within the school corporation. Any student may initiate a transfer to an “open enrollment” school corporation under Section 32.

16. In instances where Section 32 applies, Ind. Code § 20-26-11-32(g) makes it explicitly clear that unless one of the exceptions found in subsections (i), (j), (k), or (m) applies, the governing body of a school corporation that elects to accept out-of-district transfers “*may not deny a request for a student to transfer into the school corporation based upon . . . any other factor not related to the school corporation’s capacity.*”

17. Nothing in the record indicates that one of the exceptions found in subsections (i), (j), (k), or (m) applies to the situation at hand. Further, there’s nothing in the record that would indicate Monroe County’s decision to deny K.R.’s out-of-district transfer request was based on factors related to the school corporation’s capacity – the only other statutorily permissible reason for which K.R.’s request for an out-of-district transfer under IC 20-26-11-32 could be denied.

18. In fact, quite the opposite is true. After K.R.’s mother successfully registered K.R. in Monroe County for the 2022-2023 school year, K.R. was (1) assigned a locker at Bloomington High School North; (2) enrolled in classes at the high school; and (3) given a class schedule – all actions that indicate Monroe County not only had the requisite capacity to accommodate K.R.’s request but that they had already taken the steps necessary to accommodate the request.

19. Based on the preceding findings of fact and conclusions of law, the Board finds that Monroe County acquiesced to and approved K.R.’s original out-of-district transfer request in February of 2022 when the corporation informed K.R. that she was successfully registered for the 2022-2023 school year. Monroe County’s subsequent denial of the out-of-district transfer request K.R.’s mother was asked to in July was invalid, as K.R.’s February request had already been approved and the denial was not based on factors related to Monroe County’s capacity.



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FINAL ORDER

Petitioner's appeal is GRANTED, and the Hearing Examiner's Proposed Determination is dissolved. Effective immediately, K.H. shall be allowed to attend Bloomington High School North in Monroe County Community School Corporation for the remainder of the 2022-2023 school year. Respondent shall take all actions necessary to give effect to this Order.

SO ORDERED by the Indiana State Board of Education on: July 11, 2023

Dr. Katie Jenner
Chair – Indiana State Board of Education